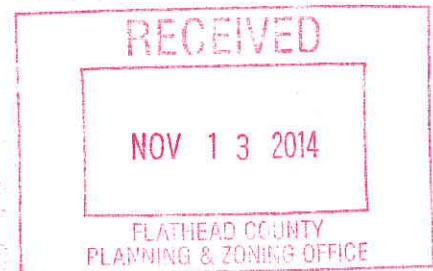




Flathead County

Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



APPLICATION FOR A VARIANCE

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 350.00

Before completing this application please read instructions on page 4.

1. **OWNER:**

Name: Michael and Debbie Thomas

Address: 1100 Wigwam Parkway Phone: 702-451-0479

City/State/Zip: Henderson Nevada, 89074

Email: mike@piercd.com

INTEREST IN PROPERTY: Owners

2. **APPLICANT:** (If different from above)

Name: Michael Roessmann

Address: 8000 Hwy 35 Phone: 406-261-4557

City/State/Zip: Bigfork Montana, 59911

3. **TECHNICAL/PROFESSIONAL ASSISTANCE:** (If applicable)

Name: George Gibson

Address: 443 Osborn Ave Phone: 406-837-6898

City/State/Zip: Bigfork Montana, 59911

Email: george@gibsonarchitecture.com

4. **LOCATION OF PROPERTY FOR WHICH VARIANCE IS SOUGHT:**

Physical Address: 156 Bjork Drive

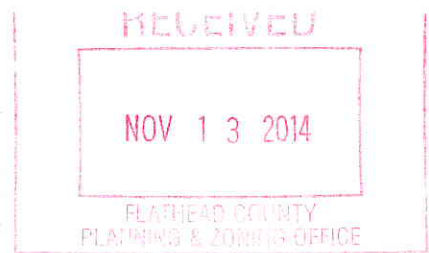
5. **ZONING DISTRICT:** Bigfork **ZONING DESIGNATION:** RC-1

6. **DATE PROPERTY ACQUIRED:** 1/31/14

7. **LEGAL DESCRIPTION:**

Subdivision (if applicable) Eagle Bend #12 Lot/Tract(s) #131

Assessor #0978684 Section 26 Township 27 Range 20



8. **REQUEST FOR A VARIANCE FROM THE PROVISIONS OF** *(State Section, Part, and Paragraph of the Zoning Regulations):* Section 3.14 Part 3.14.040 Paragraph 4 Maximum height 35 ft.

9. **THIS IS A REQUEST FOR A VARIANCE IN RELATION TO THE PROVISIONS OF THE REGULATIONS** *(check one below):*

Area _____ Yard _____ Height X _____
Coverage _____ Parking _____ Other _____

10. **STATE SPECIFICALLY THE CHANGE(S) PROPOSED AND THE REASON(S) SUCH CHANGE(S) ARE NECESSARY** *(use additional sheet if necessary):*

The request for variance is to allow the roof over the covered porch on the observation level to be maintained. Currently the third level consists of an interior area along with a small deck area which is constructed over living space below. The objective is to allow this area to be built as designed to protect users from the elements as well as assist in maintaining long term health of the structure by minimizing the level of snow and moisture. (See attachment for conclusion)

11. **EXPLAIN HOW YOUR CASE CONFORMS TO EACH OF THE FOLLOWING REQUIREMENTS** *(be complete, use additional sheet if necessary):*

A. Strict compliance with the provisions of these regulations will limit the reasonable use of the property, and deprive the applicant of rights enjoyed by other properties similarly situated in the same district.

As developments in sloped/mountainous areas are built up; generally the most desirable lots have been developed. What tends to be left in inventory are the more difficult sites. This is the situation with this particular lot. By design the elevation of the house is 32 feet tall well within the maximum allowable height. As the structures elevation is assessed along the descending hillside, the once compliant height quickly grows to approximately 38 feet which is no longer conforming to zoning. If the site had a more gently slope, or none at all this design wouldn't have any issues with conformance.

B. The hardship is the result of lot size, shape, topography, or other circumstance over which the applicant has no control.

The hardship with this lot is threefold. First, the actual buildable envelope on this lot consists of approximately 40% of the lot. This is further constrained with the setbacks on the front and side yard. The second aspect is the steep nature of the slope which is not usable on the west side of the lot. The third component is the fact that this lot is a solid rock monolith and to establish a true basement level would be to cost prohibitive to develop. The desire is to work with the building envelope as established and integrate the house into the site based on what the site will allow us to do.

C. The hardship is peculiar to the property.

This site is unique amongst the neighborhood as it has a more substantial elevation drop immediately from the road level. Level ground is minimal at best, and what is sloped is aggressively sloped. This really limits options for resolution by simple relocation of the structure within the building envelope.

D. The hardship was not created by the applicant.

This hardship was not created by the applicant. It's very difficult to predetermine the outcome of design in relation to the lot's limitations or unique features prior to the design process reaching it's conclusion. We have made every effort to minimize the issue given the limitations that we've had to deal with.

E. The hardship is not economic (*where a reasonable or viable alternative exists*).

The design of the structure and the observation deck are within the bounds of the zoning conformance for the Eagle Bend and Flathead County. The roof over the deck space is what is in question. Given the built in fireplace and the living space below the deck; as much protection that can be included in this design, makes the most sense. Also the fact that options to move the structure to a more favorable location within the lot are non-existent; there doesn't appear to be any other options other than to pursue a variance.

F. Granting the variance will not adversely affect the neighboring properties or the public.

From the road (east elevation) the structure will have a much lower visual due to the fact that the road is 5 feet higher than the front entry. The north side has an existing residence that is not going to have a clear visual of the roof in question. The neighbor to east will have a front elevation view of the residence and will see the compliant interior portion of the third level. The lot to the south is not yet developed and it sits higher in elevation as the rock outcrop rises to the south. (See attached for conclusion.)

G. The variance requested is the minimum variance, which will alleviate the hardship.

Given the fact that the third level including the interior portion as well as the deck itself comply with elevation restrictions; we only request that the detail be allowed to conclude as drawn allowing the roof to remain over the existing deck.

H. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

I believe that this variance should be granted on the basis that this problem is consistent with numerous lots and locations that tend to have heavy sloping. I would surmise that this issue will become more prevalent as more desirable locations are built on. Our belief is that other parties on difficult lots should also be afforded similar relief.

12. **ATTACH A PLOT PLAN OR DRAWING.**



I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded or other appropriate action taken. The signing of this application signifies approval for FCPZ staff to be present on the property for routine monitoring and inspection during the approval and development process.


Owner/Applicant Signature

11/13/14
Date

INSTRUCTIONS FOR VARIANCE APPLICATION

1. ANSWER ALL QUESTIONS. Answers should be clear and contain all the necessary information.
2. In answering Question 7, refer to the classification system in the Zoning Regulations and explain in detail the specific standards from which the applicant is seeking relief.
3. In answering Question 9, be specific and complete. In this and all other questions, if additional space is needed you may use additional paper, and list which section number you are continuing.
4. Answer Question 10, A-H completely and fully.
5. A copy of the plot plan or site plan must be submitted with each application (*Please include 6 copies if you submit a size larger than 11x17*).
6. A **Certified** Adjoining Property Owners List must be submitted with the application (*see forms below*). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
7. A fee per the FCPZ schedule of fees for a variance application must be submitted with this application to cover the cost of necessary investigation, publication, mailing and processing procedures.



Thomas Project

Application for Variance Concluding Statements

Line item 10 - The request for variance is to allow the roof over the covered porch to be maintained. Currently the third level consists of an interior area along with a small deck area which is over living space below. The objective is to allow this area to be built as designed to protect users from the elements as well as assist in maintaining long term health of the structure by minimizing the level of snow and moisture. With weather being an impactful aspect of life in the Flathead the covered porch affords a three season usage regardless of weather conditions. Currently a portion of the roof is approximately 3 feet above the allowable height of 35 feet.

Line item 11F - From the road (east elevation) the structure will have a much lower visual due to the fact that the road is 5 feet higher than the front entry. The north side has an existing residence that is not going to have a clear visual of the roof in question, and the structure that will be visible is not affected by this variance. The lot to the south is not yet developed and it sits higher in elevation as the rock outcrop rises to the south. The neighbor to the west sits well below the structure level and is screened by trees. The street is low use and used primarily by the residents as it is toward the end of a cull-de-sac. All in all the structure as proposed does not cause issues for any neighboring property or obstructs any view corridors; this applies to current or yet to be built residences.

